

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Johnelle Garland,

Plaintiff

v.

EDIC, a Nevada Corporation,

Defendant

Case No.: 2:23-cv-02065-JAD-NJK

Remand Order

[ECF Nos. 7, 13]


Nevadan Johnelle Garland filed this employment action in Nevada State Court, asserting claims for intentional infliction of emotional distress and racial discrimination under Nevada Revised Statutes 613.330 and 613.340. Defendant EDIC, a Nevada Corporation, removed the case to federal court under “28 U.S.C. § 1441(a) because the action presents a federal question,”¹ and the plaintiff moves to remand it back to state court because the claims pled are entirely state-law ones.² The defendant opposes remand, pointing out that Garland’s complaint recounts that the Equal Employment Opportunity Commission has given him a right-to-sue letter, so he has “fulfilled all jurisdictional requirements for the filing of this suit under the applicable statutes of Nevada and The United States of America.”³ But because a review of the complaint demonstrates that Garland has pled only state-law claims and that no federal jurisdiction exists, and because this matter is easily resolvable without oral argument, IT IS ORDERED that:

¹ ECF No. 1 at 2, ¶ 4.

² ECF No. 7.

³ ECF No. 11 at 2 (quoting ECF No. 1-1 at 4, ¶ 7).

- 1 • The motion to remand [ECF No. 7] is **GRANTED**;
- 2 • The Clerk of Court is directed to **REMAND this case back to the Eighth Judicial**
- 3 **District Court, Department 4, Case No. A-23-871275-C, and CLOSE THIS CASE**;
- 4 • The hearing on this motion to remand, scheduled for February 21, 2024, is **VACATED**,
- 5 and plaintiff's motion to appear at that hearing telephonically [ECF No. 13] is **DENIED**
- 6 as moot; and
- 7 • All other sessions, hearings, and deadlines are **VACATED**.
- 8 • The state court is advised that no substantive action other than as described in this order
- 9 was taken since removal.

10 
11 U.S. District Judge Jennifer A. Dorsey
12 February 16, 2024
13
14
15
16
17
18
19
20
21
22
23